



March 27, 2015

ENGROSSED HOUSE BILL No. 1282

DIGEST OF HB 1282 (Updated March 25, 2015 10:51 am - DI 104)

Citations Affected: IC 25-13.

Synopsis: Dental hygiene practice. Amends the definition of "prescriptive supervision" for purposes of the practice of dental hygiene. Provides that a dental hygienist may not use a laser that cuts, ablates, or cauterizes hard or soft tissue to provide treatment to a patient. Requires that if a dental hygienist practices under the prescriptive supervision of a licensed dentist, the dentist's written order must be recorded, signed, and dated in the patient's records.

Effective: July 1, 2015.

Frizzell, Shackelford, Porter, Klinker

(SENATE SPONSORS — LEISING, BREAUX)

January 13, 2015, read first time and referred to Committee on Public Health.
January 22, 2015, reported — Do Pass.
January 26, 2015, read second time, ordered engrossed. Engrossed.
January 27, 2015, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Health & Provider Services.
March 26, 2015, amended, reported favorably — Do Pass.

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March 27, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1282

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.68-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. As used in this article:
4 (a) "Dental hygienist" means one who is especially educated and
5 trained in the science and art of maintaining the dental health of the
6 individual or community through prophylactic or preventive measures
7 applied to the teeth and adjacent structures.
8 (b) "License" means the license to practice dental hygiene issued by
9 the state board of dentistry to dental hygienist candidates who
10 satisfactorily pass the board's examinations.
11 (c) "Board" means the state board of dentistry established by
12 IC 25-14-1.
13 (d) "Proprietor dentist" means a licensed dentist who is the owner
14 and operator of the dental office in which the licensed dentist practices
15 the profession of dentistry and who employs at least one (1) licensed

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dentist or dental hygienist to supplement the licensed dentist's operation and conduct of the licensed dentist's dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement the proprietor dentist's dental service to the proprietor dentist's clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

(i) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental hygienist.

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if:

(1) the dental hygienist has completed, **with at least an average of twenty (20) hours per week**, at least two (2) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;

(2) a licensed dentist:

(A) has:

(i) in a dental office setting, provided the patient with a comprehensive oral examination and any appropriate care in the previous seven (7) months; and

(ii) issued ~~a written authority order~~ **for the specific care to be provided that is valid for not more than forty-five (45) days and provided** in a dental office; and

(iii) notified the patient that the licensed dentist will not be present when the dental hygienist is providing the patient care; or

(B) has:

(i) in a setting other than a dental office, provided the patient with a comprehensive oral examination; and

(ii) issued to the patient, on the same day the licensed dentist provided the patient with a comprehensive oral examination, a written ~~prescription~~ **order for the specific care to be provided** that is valid for **not more than** forty-five (45) days; and



(3) the patient has provided a current medical history.
 Nothing in subdivisions (2)(A)(i) or (2)(B)(i) prohibits a dental hygienist from providing patient care before the licensed dentist provides the comprehensive oral examination if the licensed dentist provides the comprehensive oral examination on the same day that the dental hygienist has provided the patient care.

(k) "Licensed dentist" refers to a dentist licensed under IC 25-14.

SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.68-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

(1) A dental office, clinical setting, or health facility where the dental hygienist is practicing under the direct supervision or prescriptive supervision of a licensed dentist.

(2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.

(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

(A) fixed charitable dental care clinic;

(B) public health setting;

(C) correctional institution; or

(D) location other than one described in clauses (A) through

(C);

that has been approved by the board and where the dental hygienist is under the direct or prescriptive supervision of a licensed dentist.



1 (b) A licensed dental hygienist may provide without supervision the
2 following:

3 (1) Dental hygiene instruction and in-service training without
4 restriction on location.

5 (2) Screening and referrals for any person in a public health
6 setting.

7 (c) A dental hygienist may not use a laser **to cut, ablate, or**
8 **cauterize hard or soft tissue** to provide treatment to a patient.

9 (d) The board may adopt rules under IC 4-22-2 concerning
10 subsection (a)(5)(D).

11 **(e) If a dental hygienist practices under the prescriptive**
12 **supervision of a licensed dentist, the dentist's written order must**
13 **be recorded, signed, and dated in the patient's records.**

14 ~~(e)~~ **(f)** Before October 1, 2017, the board, with assistance from the
15 professional licensing agency, shall report to the legislative council in
16 an electronic format under IC 5-14-6 on the effectiveness of the
17 prescriptive supervision laws and rules and any changes that are
18 needed in the law concerning prescriptive supervision. This subsection
19 expires December 31, 2017.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1282, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1282 as introduced.)

CLERE

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1282, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 29, after "issued" insert "a".

Page 2, line 29, strike "authority" and insert "order".

Page 2, line 30, after "provided" insert "**that is valid for not more than forty-five (45) days and provided**".

Page 2, line 39, strike "prescription" and insert "order".

Page 2, line 40, after "for" insert "**not more than**".

Page 4, line 5, delete "that cuts" and insert "**to cut, ablate, or cauterize**".

Page 4, line 10, delete "authority" and insert "order".

and when so amended that said bill do pass.

(Reference is to HB 1282 as printed January 23, 2015.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 8, Nays 0.

